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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

José Parra; Gonzalo Estrada;	)	
Aurelia Martinez, on behalf	)	
of themselves and all	)	No. CIV 02-0591-PHX-RCB
individuals similarly	)	
situated,	)	O R D E R
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
Bashas', Inc.,	)	
	)	
Defendant.	)	

Prior to this court's ruling on the issue of class certification of the unequal pay claim in this case, defendant Bashas', Inc. filed for Chapter 11 bankruptcy. See Doc. 288. In accordance with 11 U.S.C. § 362, the Bankruptcy Code's automatic stay provision, Bashas' "ceased any further action in this matter." Id. at 1:22-23 (citation omitted). Effective August 28, 2010, that stay was "terminated" as part of the United States Bankruptcy Court's Order Confirming Plan. See Doc. 293, and attachment 1 thereto (Doc. 293-1). After the termination of that stay,

1 plaintiffs filed the pending "Request for Ruling" on the class  
2 certification issue (Doc. 294). Plaintiffs are "request[ing] that  
3 the Court rule on the issue of the certification of the unequal pay  
4 claim . . . so that a trial may be set for adjudication of the  
5 working conditions and pay class claim, if certified." Id. at  
6 2:17-19.

7 In the meantime, on December 6, 2010, the Supreme Court  
8 granted *certiorari* in Wal-Mart Stores, Inc. v. Dukes, 603 F.3d 571  
9 (9<sup>th</sup> Cir. 2010) (*en banc*), *cert. granted*, --- S.Ct. ---, 2010 WL  
10 3358931, 79 U.S.L.W. 3128 (U.S. Dec. 6, 2010) (No. 10-277).  
11 Resolution of Dukes has the potential to significantly impact the  
12 class certification motion pending before this court. Therefore,  
13 rather than deciding this case in haste without the benefit of the  
14 Supreme Court's decision in Dukes, this court will defer resolution  
15 of the class certification issue pending a decision in Dukes. See  
16 Mazza v. American Honda Motor Co., Inc., No. 09-55376, (9<sup>th</sup> Cir.  
17 Dec. 7, 2010) ("Submission . . . DEFERRED" after full briefing and  
18 oral argument "pending the Supreme Court's decision in" Dukes[]).

19 IT IS SO ORDERED plaintiffs' Request for a Ruling at this time  
20 is denied.

21 DATED this 15th day of December, 2010.

22  
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25 Robert C. Broomfield  
26 Senior United States District Judge  
27  
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Copies to counsel of record